

# EXHIBIT B

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ZAHER ZAHREY,

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Plaintiff,

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-against-

6

7 THE CITY OF NEW YORK; THE COUNTY OF KINGS,  
8 HOWARD SAFIR, as Commissioner of the New  
9 York City Police Department; CHARLES HYNES,  
10 as District Attorney, Kings County; ROBERT  
11 BOYCE, KELLY WIRTH, MICHAEL McWILLIAMS,  
12 MICHAEL WELSOME and JOHN DOES 1-3, as members  
of the New York City Police Department and  
individually; THERESA CORRIGAN, CHARLES GURIA,  
DENNIS HAWKINS, DOUGLAS LITTLE and JOSEPH  
PONZI, as employees of the District Attorney's  
Office of Kings County and individually,

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Defendants.

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200 West 57th Street  
New York, New York

14

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October 18, 2005  
10:20 a.m.

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EXAMINATION BEFORE TRIAL of THE CITY OF

18

NEW YORK, one of the Defendants herein, by

19

DINO G. AMOROSO, taken by the Plaintiff,

20

pursuant to Order.

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ARISTA COURT REPORTING CO.  
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A P P E A R A N C E S :

JOEL B. RUDIN, ESQ.  
Attorney for Plaintiff  
200 West 57th Street  
Suite 900  
New York, New York 10019

MICHAEL A. CARDOZO, ESQ.  
CORPORATION COUNSEL  
100 Church Street  
New York, New York 10007

BY: MARILYN RICHTER, ESQ.,  
Assistant Corporation Counsel

OFFICE OF THE DISTRICT ATTORNEY  
KINGS COUNTY  
350 Jay Street  
Brooklyn, New York 11201

BY: MARY FALDICH, ESQ.,  
Assistant District Attorney

1 D. Amoroso

2 Bruffee memo, duty to disclose under  
3 Rosario and Brady.

4 I have a list. It does not have  
5 any heading. It is a table with course  
6 titles and various information and these  
7 are the CLE courses that were offered at  
8 the Kings County District Attorney's  
9 Office during the period of 1997 through  
10 May of 2001.

11 (Ms. Richter hands documents to  
12 Mr. Rudin.)

13 D I N O G. A M O R O S O, a witness  
14 herein, business address 350 Jay Street,  
15 Brooklyn, New York 11201, after having  
16 been first duly sworn by a Notary Public  
17 of the State of New York, testified as  
18 follows:

19 EXAMINATION BY MR. RUDIN:

20 Q State your name for the record,  
21 please.

22 A Dino Amoroso.

23 Q State your address for the  
24 record, please.

25 A 350 Jay Street, Brooklyn, New

1 D. Amoroso

2 results that would occur if we did not.

3 Q What was the substance of the  
4 instruction that assistant DA's received from  
5 1990 to 2000 about the consequences for  
6 failing to abide by rules of behavior?

7 A The consequences were always  
8 discussed in terms of admonition, punishment.  
9 Each case would be reviewed individually with  
10 the understanding that we had an ever  
11 omnipresent obligation to behave ethically.

12 MS. RICHTER: Off the record.

13 (A discussion was held off the  
14 record.)

15 (Whereupon, a recess was taken.)

16 CONTINUED EXAMINATION BY MR. RUDIN:

17 Q Was there anything in writing at  
18 the DA's Office during 1990 to 2000 about  
19 different levels of punishment that might be  
20 administered depending upon the seriousness of  
21 a violation by a prosecutor of standards of  
22 behavior?

23 A No.

24 Q Were there any written policies  
25 or procedures at the DA's Office during 1990

1 D. Amoroso

2 to 2000 about how a possible violation of a  
3 standard of behavior by a prosecutor would be  
4 investigated or punishment determined?

5 A Can you read that back, please.

6 (Whereupon, at this time, the  
7 requested question was read by the  
8 reporter.)

9 A Not written, as I recall.

10 Q Was there unwritten policy or  
11 procedure in 1990 to 2000 about how possible  
12 violations of rules of conduct for prosecutors  
13 would be investigated?

14 A Yes.

15 Q What was that unwritten procedure  
16 or policy?

17 A It is understood that any  
18 allegations concerning ethical lapses or  
19 egregious conduct by a prosecutor would be  
20 reviewed.

21 Q By whom? What was the unwritten  
22 policy or procedure for the review or  
23 investigation of possible violations of rules  
24 of behavior by prosecutors?

25 A If it was brought to our

1 D. Amoroso

2 attention either by defense attorney, by the  
3 court, or any other person concerning behavior  
4 of an assistant district attorney, a  
5 discussion would be had amongst the chief  
6 assistant counsel and first assistant, and  
7 this would be presented to the District  
8 Attorney. This information would then be  
9 discussed and acted upon as necessary.

10 Q Do I understand you correctly  
11 that there was no formal procedure for how  
12 such matters would be investigated, but it was  
13 done on an informal basis by the chief  
14 assistant to the DA, counsel to the DA or  
15 first assistant to the DA in conjunction with  
16 the DA, himself?

17 A The only objection I have is to  
18 your use of the word informal. Actually, it  
19 was very formal. A procedure would be in  
20 place whereas the assistant district attorney  
21 would be called in. They would be confronted  
22 with the information that we had and an  
23 investigation would be untaken.

24 Q Who would undertake the  
25 investigation?

1 D. Amoroso

2 A Sometimes it would be the chief  
3 of investigations and sometimes -- excuse me.  
4 The chief of investigations from the  
5 Investigations Bureau, not necessarily the  
6 chief investigative DI, so the assistant  
7 district attorney, the bureau chief in the  
8 Investigations Bureau would be one likely  
9 candidate to undertake a review or  
10 investigation of a matter. Another candidate  
11 would be a chief assistant or the first  
12 assistant or the counsel, depending on  
13 workload or what those particular folks were  
14 working on and a decision would be made.

15 Q Who would make the decision --

16 A District Attorney Hynes.

17 Q I have to ask a more complete  
18 question.

19 Who would make the decision  
20 whether or not to conduct an investigation?

21 A District Attorney Hynes.

22 Q Then who would make a decision  
23 whether or not to take any action based on the  
24 investigations?

25 A District Attorney Hynes.



1 D. Amoroso

2 Q In each case would the ultimate  
3 decision about whether or not to proceed with  
4 an investigation be made by the District  
5 Attorney, Mr. Hynes?

6 A Yes.

7 Q During the period 1997 to 2000,  
8 are you aware of any Brooklyn prosecutors who  
9 were disciplined in any manner for violating  
10 rules of conduct that apply to prosecutors?

11 A Specific to cases or just in  
12 general as to their conduct, whether it was in  
13 the office, office-related or outside the  
14 office?

15 Q Let us start with conduct in the  
16 office, in the investigation or prosecution of  
17 cases?

18 A No.

19 Q Are you aware whether anyone who  
20 was directed to be investigated by Mr. Hynes  
21 during the period of '97 to 2000 for possible  
22 misconduct in the investigation or prosecuting  
23 of cases?

24 A Did you say 1997 through 2000?

25 Q 1997 through 2000 for the